United Nations S/2004/179

Security Council

Distr.: General
10 March 2004

Original: English

Letter dated 3 March 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 18 July 2003 (S/2003/748). The Counter-Terrorism Committee has received the attached third report from the State of Qatar submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 3 March 2004 from the Permanent Representative of Qatar to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In reference to your letter dated 11 July 2003, I have the honour to enclose herewith the third report of the Government of the State of Qatar, pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Ambassador
Permanent Representative

Enclosure

[Original: Arabic]

Second supplementary report submitted by the State of Qatar to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

In response to the letter of the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, dated 11 July 2003, which contains the Committee's questions regarding Qatar's first supplementary report, submitted in compliance with the request dated 24 June 2002 of the previous Chairman of the Committee (S/AC.40/2002/MS/OC.110), the Government of Qatar provides hereinafter answers to those questions.

1.2 Could Qatar please indicate the steps, if any, which Qatar may already have taken towards accession to and/or implementation of the seven relevant international conventions and protocols relating to terrorism to which Qatar is not as yet a party. In this regard, the CTC would welcome information on the conclusions of the Joint Ministerial Committee. Please indicate the time-frame envisaged for Qatar's accession to these instruments.

Concerning the seven international conventions and protocols relating to the fight against terrorism mentioned the first supplementary report as not yet acceded to by Qatar, the following steps have been taken:

1. International Convention against the Taking of Hostages, adopted by the United Nations General Assembly on 17 December 1979: Qatar acceded to this convention by an instrument of accession issued on 30 July 2003;

2. Convention on the Physical Protection of Nuclear Materials, adopted at Vienna and New York in 1980: Qatar acceded to this convention by an instrument of accession issued on 30 July 2003;

3. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 24 February 1988: Qatar acceded to this protocol by an instrument of accession issued on 19 May 2003;

4. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, concluded at Rome on 10 March 1988: Qatar acceded to this convention by an instrument of accession issued on 30 July 2003;

5. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, Rome, 10 March 1988: Qatar acceded to this protocol by an instrument of accession issued on 30 July 2003;

6. International Convention for the Suppression of Terrorist Bombings, adopted at New York on 15 December 1997: the Council of Ministers has decided to refer this convention to the competent authorities in Qatar to study its provisions with a view to Qatar's accession;

7. International Convention for the Suppression of the Financing of Terrorism, adopted at New York on 9 December 1999: the Council of Ministers has decided to refer this convention to the competent authorities in Qatar to study its provisions with a view to Qatar's accession.

1.3 Qatar indicates in its supplementary report (at page 13) that it will need new legislation to give effect to the provisions contained in the relevant international conventions and protocols relating to terrorism. Could Qatar please provide an outline of any draft provisions which are intended to be enacted in its domestic law or to amend existing legislation in order to ensure the implementation of these international instruments?

We wish to draw the Committee's attention to the laws and draft laws enumerated below, which are currently being prepared.

1. Law on counter-terrorism

Law No. 3 of 2004, on counter-terrorism, was promulgated on 16 February 2004. The law was designed to provide comprehensive legislation against terrorism. The text includes numerous harsher provisions relating to terrorist offences. According to that law, offences are considered terrorist offences if their perpetration has a terrorist intent. The penalties provided are more severe in the case of crimes considered under the law to be terrorist offences. In addition, the office of the public prosecutor is granted the power to order the provisional detention of persons suspected of having committed such offences, unlike the case of other offences provided for in the draft Code of Criminal Procedure, in respect of which such power does not exist.

2. Draft Code of Criminal Procedure

Book V of this draft contains provisions relating to international legal cooperation. Chapters I to V relate to the extradition of convicted persons, suspects, letters rogatory and the transfer to a foreign country of convicted persons held in detention (articles 389 to 435).

3. Draft law on the public agency for charitable works

This draft includes the establishment of a public agency for the supervision and monitoring of the activities of private associations and institutions and operations involving the transfer of funds from such associations and institutions to any person, association, institution, body or society outside the State; the dissolution of such associations and institutions; the granting or denial of licenses in response to requests for membership in any association, institution, body or society headquartered outside the State; investigation of requests to open a bank account for any private association or institution outside the State; and the elimination of sources of financing of terrorist groups.

A further aim of the draft is to establish appropriate controls to ensure that licensed associations and institutions adhere to the lawful purposes and objectives for which they were created.

1.4 There are several references in Qatar's supplementary report to the replacement of Qatar's existing Penal Code by a new Penal Code, based on a draft which is currently under consideration. The CTC would welcome receiving a progress report concerning the relevant legislative process. Has the

new legislation already come into force? If the answer to that question is in the affirmative, please describe the relevant provisions relating to the extradition of offenders. If the answer is in the negative, please indicate the date on which it is anticipated that the new Penal Code will come into force.

The draft Penal Code referred to is in the final stages of legislation, inasmuch as it has been approved by the Council of Ministers and the Advisory Council and is expected to be promulgated shortly.

1.5 Could Qatar provide the CTC with further elaboration on the provisions of article 84 of its current Penal Code? Could Qatar also elaborate on the definition of 'illegal organization' referred to in article 85 of its present Penal Code?

An exhaustive definition of "illegal organization" (unlawful association) is given in article 83 of Qatar's present Penal Code, promulgated by Law No. 14 of 1971, which provides that an unlawful association, within the meaning of the chapter in question, is any group of people, body or association, whether registered or not, whose aims include any of the following:

(i) The overthrow of the country's existing regime or that of any friendly country by force or by unlawful means;

(ii) The spreading of principles aimed at destroying the country's existing social systems;

(iii) Sabotage and the destruction within the country of public property or property belonging to any group of its inhabitants;

(iv) The spreading of a spirit of hatred among groups of inhabitants;

(v) The disruption of security and order in any part of the country.

1.6 Please indicate to the Committee whether the laws of Qatar apply the principle aut dedere aut judicare in relation to the offences referred to in subparagraph 2 (c) of the resolution?

The laws of Qatar do not at present contain any provisions governing the principle *aut dedere aut judicare*; however, as mentioned above, a draft Code of Criminal Procedure containing a chapter relating to the principle of either extraditing or trying offenders, depending on the circumstances, is currently being prepared and should be promulgated in the near future.

1.7 Is there a special law in force in Qatar concerning mutual assistance in criminal matters? Are the principles of reciprocity and/or comity applied in that regard?

Bilateral agreements on judicial cooperation concluded by Qatar with other States contain provisions governing mutual assistance in criminal matters on the basis of reciprocity. They cover letters rogatory, judicial notices and service, the examination of witnesses, the hearing of experts, the provision of financial assistance to defray the costs of judicial proceedings, the exchange of criminal records; and other procedures. Under the country's Constitution, such agreements have the force of law once the decrees relating to them have been issued.

Book V of the draft Code of Criminal Procedure is devoted to international judicial cooperation. In Chapter I it deals with the provisions relating to the

extradition of convicted persons and suspects and the handing over of objects. This book comprises provisions relating to the conditions for extradition, the cases in which extradition is not permitted, the modalities of the submission of requests for extradition, the data to be included in the extradition request, the authority competent to decide on requests for extradition and the case in which a request for extradition is submitted by more than one State. The Code contains provisions relating to the right of persons against whom a decision to extradite has been rendered to appeal to the competent court against the extradition decision, as well as provisions governing letters rogatory, cases in which the request is denied, procedures for the sending of letters rogatory and the binding nature of letters rogatory with respect to the judicial authorities of Qatar. Further provisions govern the transfer to Qatar of convicted persons or prisoners in cases in which the offence was committed abroad, and the execution of the penalty in Qatar.

Thus, no Qatar legislation currently exists on mutual assistance in criminal matters, such matters being governed at present by bilateral agreements on judicial cooperation based on the principle of reciprocity.

1.8 In its supplementary report, Qatar indicated that it has new machine-readable passports which incorporate a number of features and technical specifications intended to protect and prevent the counterfeiting of the information contained in the passports. In that respect, do national identification documents, other than travel documents, in use in Qatar (e.g. birth certificates, marriage certificates, driver's licenses, military service cards, etc.) have a minimum of international security standards aimed at rendering impossible their duplication or falsification?

Birth, death and marriage certificates and other national documents have the minimum of international security standards necessary to protect them from falsification and duplication. Birth, death and marriage certificates, moreover, are not considered in themselves, but rather in connection with a personal identity card or judicial certificate that confirms them.

1.9 The CTC notes that Qatar has established a committee to coordinate the efforts of the competent authorities to implement resolution 1373 (see page 11 of Qatar's supplementary report). The CTC would be grateful to receive more detailed information concerning the outcome of the committee's work, including an account of any reports drawn up by the committee.

The coordinating committee for the implementation of resolution 1373 was established by a decision of the Council of Ministers dated 16 January 2002 for the purpose of coordinating the efforts of all authorities in Qatar concerned with the implementation of the obligations arising from Security Council resolution 1373 (2001) concerning counter-terrorism. On 2 July 2003 the Council of Ministers decided to broaden the committee's mandate to include coordination among all Qatar authorities concerned with a view to the implementation of all the United Nations resolutions relating to counter-terrorism and the preparation of the reports required by the Council in that regard.

Since its establishment, the committee has made it a point to observe and analyse all the recommendations and initiatives adopted by the Counter-Terrorism Committee, striving to implements those recommendations and preparing the related

national reports. The committee was able to prepare the first supplementary report as well as the present supplementary report.

1.10 The CTC notes that the enactment of legislation is required in order to implement international conventions in Qatar's domestic law (see page 13 of the supplementary report). The CTC would appreciate receiving an outline of the provisions relating to the implementation of the international instruments to which Qatar is already a party.

As pointed out in the first supplementary report, article 24 of the amended Provisional Constitution provides that treaties are concluded by His Highness the Emir, the Head of State, by decree and acquire the force of law upon being ratified and published in the official journal. This is the general rule.

By way of exception to this rule, owing to procedural and technical aspects inherent in such treaties the implementation of some of their provisions requires the passage of new domestic legislation and the amendment of existing legislation. This is what the State is doing at present.

Reference has been made in the previous report and earlier in this report to the adoption of legislation of this nature, such as the law on combating money-laundering, the law on civil aviation and the law on counter-terrorism. To supplement this effort, a draft Penal Code and Code of Criminal Procedure are currently being prepared and a public agency for charitable works is being set up.

Annexed to the present supplementary report are copies of the law on combating money-laundering, the law on civil aviation and the law on counter-terrorism.

1.11 The CTC notes that the question of extradition to and from Qatar is dealt with at present in bilateral agreements. Qatar's draft Code of Criminal Procedure addresses this matter (see page 13 of the supplementary report). Is this new legislation already in force? If the answer to this question is in the affirmative, please describe the relevant provisions concerning extradition. However, if the answer to this question is in the negative, please indicate the date at which it is anticipated that the said draft Code of Criminal Procedure will come into force.

The draft Code of Criminal Procedure referred to is in the final stages of legislation, inasmuch as it has been approved by the Council of Ministers and the Advisory Council and is expected to be promulgated shortly.

1.12 Could Qatar outline the principal reasons which influence it or guide it when reaching a decision to turn down a request for extradition. Where an offence is deemed to be political in nature, is that considered a sufficient reason for refusing a request for extradition under the domestic laws of Qatar? Could Qatar provide the CTC with the criteria applicable in its domestic law to determine what constitutes "a political offence"? Are any of the offences mentioned in subparagraph 2 (c) of the resolution deemed to constitute "political offences" under the domestic laws of Qatar? If not, the CTC would be grateful to receive copies of the relevant domestic provisions.

As already pointed out in the answer to question 1.7, the provisions relative to the acceptance or rejection of requests for extradition are stipulated in bilateral agreements on judicial cooperation. Current national legislation contains no

provisions regarding political grounds for denying extradition. The acts mentioned in subparagraph 2 (c) of Security Council resolution 1373 (2001) are considered terrorist offences punishable under domestic legislation in accordance with the commitments assumed by the State of Qatar under the international conventions to which it has become a party.

The same applies in respect of the application of the law on counter-terrorism, article 1 of which defines the crime of terrorism as follows:

> For the purposes of the application hereof, felonies provided for in the Penal Code or in any other legislation are considered terrorist offences if they are committed for terrorist purposes.
>
> The purpose is considered a terrorist purpose if the motive for the use of force, violence, threats or intimidation is to thwart the operation of the provisions of the amended Provisional Constitution or the law, to violate public order, to jeopardize the safety and security of society or to impair national unity and such use results in, or is likely to result in, injury to persons; the instilling of fear in them; the endangering of their lives, their freedoms or their security; harm to the environment, public health or the national economy; damage to or the seizure of public or private facilities, installations or property; interference with their operation; or the prevention or hampering of the public authorities in the exercise of their functions.

It is obvious from the provisions of the law on counter-terrorism and the draft Code of Criminal Procedure that crimes of providing safe haven to anyone who finances or arranges for the provision of funds to terrorist groups are not deemed offences of a political nature that might stand in the way of extradition.

1.13 The CTC notes that the documents, referred to at the end of the supplementary report as 'annexes' (at pages 14 and 15), were not received. When the CTC inquired about them to the Permanent Mission of Qatar to the United Nations, the latter re-designated the documents as 'sources' instead of 'annexes.' The CTC would therefore be grateful if Qatar could provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervisory authorities, established to give practical effect to the laws, regulations and other documents which are deemed relevant to Qatar's compliance with the terms of the resolution.

Annexed hereto are copies of:

1. The organizational structure of the Ministry of the Interior;
2. The organizational structure of Qatar Central Bank;
3. The organizational structure of the Customs and Ports General Authority.

1.14 As regards the concerns set out in paragraph 4 of the resolution, the CTC would welcome receiving copies of any relevant legislative measures (see page 13 of the supplementary report) taken by Qatar in response to those concerns.

Annexed hereto are copies of:

1. The Penal Code of Qatar of 1971 (chapter relating to the applicability of the Code and the articles pertaining to unlawful associations);

2. The law on arms, munitions and explosives;

3. The law on combating money-laundering;

4. The law regulating the entry into and residence in Qatar of foreigners;

5. The law on the combating of narcotic drugs and dangerous psychotropic substances and the regulation of the use of and trade in such substances;

6. The law on civil aviation;

7. Law No. 3 of 2004, on counter-terrorism.